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Municipal Solid Waste Landfills: Environmental Organizations Notice of Intent to Sue U.S. Environmental Protection Agency for Alleged Failure to Revise Emission Factors

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Three environmental organizations sent a December 9th Notice of Intent to Sue (“NOI”) to the United States Environmental Protection Agency (“EPA”) alleging a failure to perform nondiscretionary duties required by the Clean Air Act.

The organizations signing the NOI include:

- Environmental Integrity Project
- Chesapeake Climate Action Network
- Sierra Club (collectively “Sierra Club”)

Sierra Club alleges that EPA has failed to determine whether it is necessary to revise the emission factors used to quantify certain pollutants emitted from municipal solid waste landfills (“MSWLs”) that include:

- Volatile Organic Compounds (“VOCs”)
- Oxides of Nitrogen (“NOx”)
- Carbon Monoxide (“CO”)

EPA is stated to have not revised the emission factors for MSWLs in Chapter 2.4 of the agency’s AP-42 compendium of emission factors since 1998.

The organizations claim that certain research studies indicate that the referenced emission factors are:

- Inaccurate
- Underestimate MSWL landfill air emissions

The specific issues cited include:

- Underestimate the emissions of almost all pollutants by about 25 percent
- Underestimate VOC emissions from a significant number of landfills in the United States by approximately 60 percent
- Failure to address emissions of nitrous oxide

Sierra Club states it intends to file suit against EPA under the citizen suit provision of the Clean Air Act for an alleged failure to perform nondiscretionary duties.

A copy of the NOI can be downloaded [here](#).